

AN ORDINANCE ADDING ARTICLE III TO CHAPTER 615 OF THE MUNICIPAL CODE OF THE CITY OF CANTON, MISSOURI, PROVIDING FOR A VIDEO SERVICE PROVIDERS FEE WITHIN THE CITY OF CANTON, MISSOURI

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF CANTON, MISSOURI, as follows:

SECTION ONE. Article III Added to Chapter 615 of the Municipal Code of the City of Canton, Missouri. That from and after the effective date of this ordinance there shall be included in and added to Chapter 615 of the Municipal Code of the City of Canton, Missouri, the following Article III:

Article III. Video Services Providers

Section 615.050 Video Service Regulations.

A. Definitions. As used in this Article, the following terms shall have the following meanings unless otherwise defined by context:

FRANCHISE AREA

The total geographic area of the City authorized to be served by an incumbent cable television operator or incumbent local exchange carrier or affiliate thereof.

GROSS REVENUES

The total amounts billed to subscribers or received by an entity holding a video service authorization from advertisers for the provision of video services within the City, including:

1. Recurring charges for video service;
2. Event-based charges for video service, including, but not limited to, pay-per-view and video-on-demand charges;
3. Rental of set-top boxes and other video service equipment;
4. Service charges related to the provision of video service, including, but not limited to, activation, installation, repair and maintenance charges;
5. Administrative charges related to the provision of video service, including, but not limited to, service order and service termination charges; and
6. A pro rata portion of all revenue derived, less refunds, rebates or discounts, by a video service provider for advertising over the video service network to subscribers, where the numerator is the number of subscribers within the City and the denominator is the total number of subscribers reached by such advertising; but gross revenues do not include:
 - a. Discounts, refunds and other price adjustments that reduce the amount of compensation received by an entity holding a video service authorization;
 - b. Uncollectibles;

- c. Late payment fees;
- d. Amounts billed to subscribers to recover taxes, fees or surcharges imposed on subscribers or video service providers in connection with the provision of video services, including the video service provider fee authorized herein;
- e. Fees or other contributions for PEG or I-net support; or
- f. Charges for services other than video service that are aggregated or bundled with amounts billed to subscribers, provided the video service provider can reasonably identify such charges on books and records kept in the regular course of business or by other reasonable means.

Except with respect to the exclusion of the video service provider fee, gross revenues shall be computed in accordance with generally accepted accounting principles. Effective as of August 28, 2023, "Gross Revenues" shall be limited to the total amounts billed to video service subscribers for recurring charges for video service and event-based charges for video service, including, but not limited to, pay-per-view and video-on-demand charges.

HOUSEHOLD

An apartment, a house, a mobile home or any other structure or part of a structure intended for residential occupancy as separate living quarters.

LOW-INCOME HOUSEHOLD

A household with an average annual household income of less than thirty-five thousand dollars (\$35,000.00) as determined by the most recent decennial census.

PERSON

An individual, partnership, association, organization, corporation, trust or government entity.

SUBSCRIBER

Any person who receives video services in the franchise area.

VIDEO SERVICE

The provision of video programming provided through wireline facilities, without regard to delivery technology, including Internet protocol technology, whether provided as part of a tier, on demand or a per-channel basis, including cable service as defined by 47 U.S.C. Section 522(6), but excluding video programming provided by a commercial mobile service provider defined in 47 U.S.C. Section 332(d) or any video programming provided solely as part of and via a service that enables users to access content, information, electronic mail or other services offered over the public Internet.

VIDEO SERVICE AUTHORIZATION

The right of a video service provider or an incumbent cable operator that secures permission from the Missouri Public Service Commission pursuant to Section 67.2675 to 67.2714, RSMo., to offer video service to subscribers.

VIDEO SERVICE NETWORK

Wireline facilities, or any component thereof, that deliver video service, without regard to delivery technology, including Internet protocol technology or any successor technology. The term "*video service network*" shall include cable television systems.

VIDEO SERVICE PROVIDER OR PROVIDER

Any person authorized to distribute video service through a video service network pursuant to a video service authorization.

VIDEO SERVICE PROVIDER FEE

The fee imposed under Subsection (C) hereof.

B. General Regulations.

1. A video service provider shall provide written notice to the City at least ten (10) days before commencing video service within the City. Such notice shall also include:

- a. The name, address and legal status of the provider;
- b. The name, title, address, telephone number, e-mail address and fax number of individual(s) authorized to serve as the point of contact between the City and the provider so as to make contact possible at any time (i.e., twenty-four (24) hours per day, seven (7) days per week); and
- c. A copy of the provider's video service authorization issued by the Missouri Public Service Commission.

2. A video service provider shall also notify the City, in writing, within thirty (30) days of:

- a. Any changes in the information set forth in or accompanying its notice of commencement of video service; or
- b. Any transfer of ownership or control of the provider's business assets.

3. A video service provider shall not deny access to service to any group of potential residential subscribers because of the race or income of the residents in the area in which the group resides. A video service provider shall be governed in this respect by Section 67.2707, RSMo. The City may file a complaint in a court of competent jurisdiction alleging a germane violation of this Subsection, which complaint shall be acted upon in accordance with Section 67.2711, RSMo.

4. A video service provider shall, at its sole cost and expense, indemnify, hold harmless and defend the City, its officials, boards, board members, commissions, commissioners, agents and employees, against any and all claims, suits, causes of action, proceedings and judgments ("claims") for damages or equitable relief arising out of:

- a. The construction, maintenance, repair or operation of its video services network;
- b. Copyright infringements; and
- c. Failure to secure consents from the owners, authorized distributors or licensees or programs to be delivered by the video service network. Such indemnification shall include, but is not limited to, the City's reasonable attorneys' fees incurred in defending against any such claim prior to the video service provider assuming such defense. The City shall notify the provider of a claim within seven (7) business days of its actual knowledge of the existence of such claim. Once the provider assumes the defense of the claim, the City may at its option continue to participate in the defense at its own expense. This indemnification obligation shall not apply

to any claim related to the provision of public, educational or governmental channels or programming or to emergency interrupt service announcements.

C. Video Service Provider Fee.

1. Each video service provider shall pay to the City a video service provider fee in the amount of five percent (5%) of the provider's gross revenues on or before the last day of the month following the end of each calendar quarter. The City may adjust the video service provider fee as permitted in Section 67.2689, RSMo. Each video service provider is hereby required to file with the City Clerk a sworn statement showing the gross receipts of such business within the City in the form prescribed by the City Clerk. For the business transacted and the gross receipts each quarter, a statement shall be due and filed by the last day of the month following the end of each calendar quarter. At the same time the statement is required to be filed; payment of the tax due on the gross receipts reported in the statement shall be made to the City at the rate set forth herein.
2. A video service provider may identify and pass through on a proportionate basis the video service provider fee as a separate line item on subscribers' bills.
3. The City, not more than once per calendar year and at its own cost, may audit the gross revenues of any video service provider as provided in Section 67.2691, RSMo., A video service provider shall make available for inspection all records pertaining to gross revenues at the location where such records are kept in the normal course of business.
4. Beginning August 28, 2023, the video service provider fee shall be four and one-half percent (4.5%) of gross revenues. Beginning August 28, 2024, the video service provider fee shall be four percent (4%) of gross revenues. Beginning August 28, 2025, the video service provider fee shall be three and one-half percent (3.5%) of gross revenues. Beginning August 28, 2026, the video service provider fee shall be three percent (3%) of gross revenues. Beginning August 28, 2027, the video service provider fee shall be two and one-half percent (2.5%) of gross revenues.

D. Compliance With Other Regulations. All video service providers shall comply with all other applicable laws and regulations.

SECTION TWO. Chapter 615 ratified and confirmed. All other provisions of Chapter 615 of the Municipal Code of the City of Canton, Missouri not herein specifically change shall remain in full force and effect and are hereby ratified and confirmed.

SECTION THREE. Prior inconsistent ordinances repealed. All prior ordinances or parts thereof in conflict with or inconsistent with the terms of this ordinance are hereby repealed.

SECTION FOUR. Severability. Each of the provisions of this ordinance are severable, and if any provision shall be declared to be invalid, the remaining provisions shall not be affected but shall remain in full force and effect.

SECTION FIVE. Effective date. This ordinance shall take effect from and after it has been made available to the general public by posting a copy thereof in the City Office, 400 Lewis Street, Canton, Missouri, as provided by law, after it has been read by title two times before the Board of Aldermen of the City of Canton, Missouri, after it has been adopted by the Board of Aldermen of the City of Canton, Missouri, and approved by the Mayor of the City of Canton, Missouri.

Adopted this 20th day of June, 2023.

Presiding Officer

Approved this 20th day of June, 2023.

Mayor

ATTEST:

Christina Deangmaney
City Clerk



CFDA Number: 20.205
CFDA Title: Highway Planning and Construction
Award name/number: TAP-9900 (1301)
Award Year: FY 2023
Federal Agency: Federal Highway Administration, Department of Transportation

CITY OF CANTON

ORDINANCE NO. 23-11

BILL NO. 877-C

An Ordinance to authorize the Mayor to execute a contract between the City of Canton and the Missouri Highway and Transportation Commission for the construction of sidewalks along Route P on Oak Street and South Monticello Road from the Culver-Stockton College campus to Charlann Schwann Parkway/Brose Avenue and establishing the Mayor and Public Works Director as authorized representatives for the City of Canton.

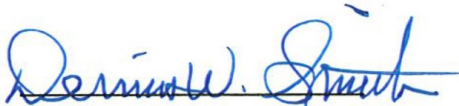
Be it ordained by the Canton Board of Aldermen as follows:

Section 1. That the Mayor is hereby authorized to execute on behalf of the City of Canton a contract with the Missouri Highway and Transportation Commission providing for the construction of sidewalks along Route P on Oak Street and South Monticello Road from the Culver-Stockton College campus to Charlann Schwann Parkway/Brose Avenue.

Section 2. That all ordinances or parts of ordinances therefore enacted which are in conflict herewith are hereby repealed.

Section 3. This ordinance shall be in full force and effect from and after the date of its passage and approval. Read three times, passed and approved on this 5th day of June, 2023.

APPROVED AS TO FORM


City Attorney


Mayor

Attest:


City Clerk

